



Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

TASK FORCE ON BUILDING ORGANICS CAPACITY IN MASSACHUSETTS

Summary of Comments and Questions at Meeting #2

April 22, 2011

1. Report from the Workgroup on Data, Infrastructure, and Markets (Greg Cooper, MassDEP/BWP)

Has MassDEP started to develop an assessment of needs for organics management facilities in various regions of the state? Response: this is one purpose for updating the Organics Generation Data and list of existing permitted facilities that are currently on our web site. This data will help to identify the most promising areas for locating new facilities.

Can MassDEP develop data that describes needs in waste sheds that account for generators in neighboring states? Response: MassDEP will investigate the availability of regional information (e.g., collected by the Northeast Waste Management Officials' Association).

2. Report from the Workgroup on DOER Regulations/Standards and Financing/Infrastructure (Amy Barad, Mass. Clean Energy Center)

Several workgroups have discussed the need for a variety of types of data (standard technologies, case studies of successful projects, etc.). To improve resources for people who cannot attend Task Force meetings, all of the available data needs to be made available in one place or web page, and not fragmented among the different agencies.

It would be helpful to have information on low cost or tax subsidized help for bonding that is required from facility developers. What is available to be used today to support projects that will process organic material, and projects that will both process organic material and generate renewable energy? Mass. CEC response: We are preparing a table that lists all of the incentives that we are aware of for these projects, so we can identify gaps and develop a plan for meeting unmet needs.

We should look at changes in state policy that affect the eligibility of projects for federal tax incentives. Some of the programs that are available under the federal tax code require the project fit into a category that the state has decided to make a priority.

We should create a home for comprehensive assistance through MassDevelopment, which would provide one-stop shopping for all state financial assistance (e.g., loan guarantees, etc.).

3. Report from the Municipal Issues Workgroup (Meg Lusardi, MassDOER/Green Communities Program)

The discussion about local codes should include fire issues, e.g., the hazard class that should be assigned to various types/components of organics management facilities.

We should engage the legal and planning community that supports municipalities, to discuss how local zoning ordinances may need to be updated to accommodate organics management facilities. It might be helpful if the state could develop a zoning template or a list of “best management practices” for municipal ordinances. Mass DOER response: we will consider developing this type of guidance.

The state should develop specifications for biogas (which is handled differently from natural gas).

4. Report from the DEP Regulations Workgroup

A. Conceptual Approach to Amending the MassDEP Wastewater Treatment Plant Regulation, 314 CMR 12.00 (Ann Lowery and Alan Slater, MassDEP/BRP)

Would digesters used strictly for source-separated organics fall under BRP’s regulations? MassDEP response: no, they would be regulated under the solid waste regulations (BWP). Facilities designed to treat mostly sewage sludge would be regulated by the BRP regulation, provided that the facility is part of a wastewater treatment facility.

Would these regulations cover new wastewater treatment plants that treat their sludge and source-separated organics? MassDEP response: yes.

How would new co-digesters be regulated? MassDEP response: If the digester is a stand-alone unit (not associated with a wastewater treatment facility), it would be regulated by BWP as a solid waste facility. If it is a publicly owned treatment works, it would be regulated by BRP as a wastewater treatment facility. BRP is evaluating allowing privately-owned wastewater treatment facilities to accept source-separated organics.

B. Options for Solid Waste Permits and Approvals (310 CMR 16.00)

The current Site Assignment criteria appear to give preference to facilities that would encourage regional participation. There was some discussion in the DOER workgroup about encouraging the development of regional facilities. Would this work under the Site Assignment option?

MassDEP response: this criterion was included in the Site Assignment regulation because the Solid Waste Master Plan established a policy preferring the development of regional solid waste management facilities to lots of small municipal facilities. To the extent that it is practical to develop regional facilities for managing organic material, this criterion could be satisfied.

Why add categories for specific technologies to Option 3? It could be set up more simply with processes for “composting” and “recycling”.

How will the quality of incoming and outgoing materials be governed? Do enzymatic processing facilities make a “product”? Some might not.

What is the different between “pre-sorted” material and “source-separated organics”? MassDEP response: source-separated organics is one kind of “pre-sorted” material.

Source-separated organic material that will be the input for AD and other facilities won’t be 100% pure. How will we be required to deal with contaminants? MassDEP response: We recognize that some percentage of the input material will be contaminated, and are looking into California’s approach, which is a three-part test for qualifying “pre-sorted” material. MassDEP regulations currently allow Material Recovery Facilities to accept up to 5 %-15% contaminated materials.

Plant operators and haulers have very limited control over the material that the generators give them. What enforcement will be set up to ensure that the levels of “acceptable” contamination aren’t exceeded? MassDEP response: the permit that MassDEP issues to a facility will describe parameters for input material that the facility will be allowed to accept. Plant operators need to ensure that the material they accept meets those parameters. Please note that the “Five Farm” projects have been required to set up Quality Assurance Plans that explain how they will do this.

What is the schedule for revising the regulations? MassDEP response: we are planning to have draft regulation amendments under review by the Executive Office of Energy and Environmental Affairs by the end of May, and anticipate publishing them for public comment as soon after that as possible. If things go smoothly, we could hold public hearings during the summer and issue final rules in the fall.

Where does MEPA fit into this? Will “permit by rule” projects have to go through MEPA review? MassDEP response: we will work with the MEPA Office to see if they want to set up review categories for any of our new types of permits.